

(h) *Service involving refrigerant* means any service during which discharge or release of refrigerant from the MVAC or MVAC-like appliance to the atmosphere can reasonably be expected to occur. Service involving refrigerant includes any service in which an MVAC or MVAC-like appliance is charged with refrigerant but no other service involving refrigerant is performed (*i.e.*, a “top-off”).

(i) *Motor vehicle disposal facility* means any commercial facility that engages in the disposal (which includes dismantling, crushing or recycling) of MVACs or MVAC-like appliances, including but not limited to automotive recycling facilities, scrap yards, landfills and salvage yards engaged in such operations. Motor vehicle repair and/or servicing facilities, including collision repair facilities, are not considered motor vehicle disposal facilities.

[57 FR 31261, July 14, 1992, as amended at 60 FR 21687, May 2, 1995; 62 FR 68046, Dec. 30, 1997]

§ 82.34 Prohibitions and required practices.

(a) No person repairing or servicing MVACs for consideration, and no person repairing or servicing MVAC-like appliances, may perform any service involving the refrigerant for such MVAC or MVAC-like appliance:

(1) Without properly using equipment approved pursuant to § 82.36;

(2) Unless any such person repairing or servicing an MVAC has been properly trained and certified by a technician certification program approved by the Administrator pursuant to § 82.40; and

(3) Unless any such person repairing or servicing an MVAC-like appliance has been properly trained and certified by a technician certification program approved by the Administrator pursuant to either § 82.40 or § 82.161(a)(5).

(b) Effective November 15, 1992, no person may sell or distribute, or offer for sale or distribution, any class I or class II substance that is suitable for use as a refrigerant in motor vehicle air-conditioner and that is in a container which contains less than 20 pounds of such refrigerant to any person unless that person is properly trained and certified under § 82.40 or in-

tended the containers for resale only, and so certifies to the seller under § 82.42(b)(3).

(c) No technician training programs may issue certificates unless the program complies with all of the standards in § 82.40(a).

(d) *Motor vehicle disposal facilities.* (1) Any refrigerant that is extracted from an MVAC or an MVAC-like appliance (as that term is defined in § 82.152) bound for disposal and located at a motor vehicle disposal facility may not be subsequently used to charge or recharge an MVAC or MVAC-like appliance, unless, prior to such charging or recharging, the refrigerant is either:

(i) Recovered, and reclaimed in accordance with the regulations promulgated under § 82.32(e)(2) of this subpart B; or

(ii) (A) Recovered using approved refrigerant recycling equipment dedicated for use with MVACs and MVAC-like appliances, either by a technician certified under paragraph (a)(2) of this section, or by an employee, owner, or operator of, or contractor to, the disposal facility; and

(B) Subsequently recycled by the facility that charges or recharges the refrigerant into an MVAC or MVAC-like appliance, properly using approved refrigerant recycling equipment in accordance with any applicable recommended service procedures set forth in the appendices to this subpart B.

(2) Any refrigerant the sale of which is restricted under subpart F that is extracted from an MVAC or an MVAC-like appliance bound for disposal and located at a motor vehicle disposal facility but not subsequently reclaimed in accordance with the regulations promulgated under subpart F, may be sold prior to its subsequent re-use only to a technician certified under paragraph (a)(2) of this section. Any technician certified under paragraph (a)(2) of this section who obtains such a refrigerant may subsequently re-use such refrigerant only in an MVAC or MVAC-like appliance, and only if it has been reclaimed or properly recycled.

[57 FR 31261, July 14, 1992, as amended at 62 FR 68047, Dec. 30, 1997]